

Please enter the above-referenced amendments and the following remarks:

STATUS OF THE CLAIMS

Claims 1-25 were pending in the Application.

Claims 1-25 have been rejected by the Examiner.

Claims 1, 13 and 25 are amended herein.

Claim 14 has been cancelled herein, without prejudice and subject to the right to prosecute this claim, or the subject matter thereof, in this or a subsequent application.

Reconsideration of the present Application is respectfully requested in view of the following Remarks.

REMARKS

Rejections Pursuant to 35 U.S.C. 101

Applicant traverses the rejection of claims 1-2, 6 and 8-15, made pursuant to 35 U.S.C. 101, at least in that the claims as-filed do, in fact, lead to a concrete, tangible result, namely the providing of an integrated point-of-service transaction management system. Nonetheless, Applicant respectfully submits that at least independent claims 1 and 13, as amended (and therefore the claims dependent therefrom), now include language clarifying the tracking and correlation, leading to increased collection rates, provided as a “concrete result” of the claimed invention.

Rejections Pursuant to 35 U.S.C. 102(e)

Claims 1-25 stand rejected, pursuant to 35 U.S.C. 102(e), as anticipated by Fitzgerald (U.S. Pat. Pub. 2003/0191669). Applicant respectfully traverses the above-referenced rejections for at least the following reasons.

Anticipation under 35 U.S.C. § 102 requires the cited art teach every aspect of the claimed invention. See, M.P.E.P. §706.02(a). In other words, “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” See, M.P.E.P. §2131 citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicant respectfully submits that Fitzgerald is, in no way, directed to, let alone anticipatory of, the claimed invention. Rather, Fitzgerald is directed to providing access *by a conscientious consumer* of health care services to information regarding the use of, and payments by, *that consumer* with regard to such services. See, e.g., Fitzgerald at Title, Para. 05, and Para. 15. This is very clearly illustrated in that Fitzgerald teaches a system that “identif[ies] [the] at least one healthcare provider [of interest].” See Fitzgerald, Para. 05. In other words, not only is Fitzgerald directed to “**patient access**” (See Para. 15), but Fitzgerald teaches that the healthcare services, or provider, of interest must be identified, i.e. is not known beforehand. This need to assess who is the provider of interest is, obviously, due to that fact that the healthcare provider of interest *is not the desired user* in Fitzgerald’s system. Instead, the user of Fitzgerald’s system is a conscientious consumer of health care services who wishes to track his/her use of, and payment for, such services.

This is inapposite to the claimed invention of the instant application, in which the user of the system is the *health care provider*, and the health care provider itself uses the claimed invention to improve collections by delinquent, or eventually delinquent, rather than conscientious, health care consumers. Needless to say, as such the “user” of the claimed invention knows in advance who is the healthcare provider of interest, because the user *is* the healthcare provider of interest. Simply put, the claimed invention is targeted to enable health care providers to collect payment from consumers *who are not using a system such as Fitzgerald’s*, and thus Fitzgerald actually teaches away from the claimed invention in that Fitzgerald and the claimed invention would not be used together, or cooperatively.

Each of claims 1, 13 and 25 has been amended to further clarify this distinction over Fitzgerald. Thus, Applicant respectfully submits that Fitzgerald is inapplicable to at least amended claims 1, 13 and 25. Accordingly, Applicant submits that independent claims 1, 13 and 25 are patently distinguishable over Fitzgerald. Further, Applicant submits that Claims 2-12 and 15-24 are similarly distinguishable over the prior art cited by virtue of an ultimate dependency from a patentably distinct base claim.

Conclusion

Applicant respectfully requests early and favorable action with regard to the present Application, and a Notice of Allowance for all pending claims is earnestly solicited.

Respectfully submitted,

Gibbons P.C.

A handwritten signature in black ink, appearing to read 'Thomas J. McWilliams', written over a horizontal line.

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